

## REMARKS

The Final Office Action mailed February 6, 2007, has been received and reviewed. Claims 1-26 are currently pending in the application. Claims 1-26 stand rejected. Applicant has amended claims 1, 12, 16-19 and 23, and respectfully requests reconsideration of the application as amended herein.

**35 U.S.C. § 102(e) Anticipation Rejections**Anticipation Rejection Based on U.S. Patent No. 6,519,235 to Kim et al.

Claims 1, 3, 9, 12, 14 and 16-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kim et al. (U.S. Patent No. 6,519,235) (hereinafter “the Kim reference”). Applicant respectfully traverses this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The 35 U.S.C. § 102(e) anticipation rejections of claims 1, 3, 9, 12, 14 and 16-18 are improper because the Kim reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims. Since the Kim reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims, the Kim reference cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of amended independent claims 1 and claims 3, 9 depending therefrom, amended independent claim 12 and claim 14 depending therefrom, amended independent claims 16, 17, 18.

**Claims 1, 3, 9, 12, 14 and 16-18**

Applicant’s invention as presently claimed in amended independent claim 1 and claims 3 and 9 depending therefrom, amended independent claim 12 and claim 14 depending therefrom, and amended independent claims 16, 17, and 18 each recite, in part, “*maintaining existing synchronization of the PPP link with the existing network server if the new base station is associated with the existing network server*”.

At least Applicant's claimed element of "***maintaining existing synchronization of the PPP link with the existing network server if the new base station is associated with the existing network server***" is not disclosed in the Kim reference. The Kim reference generally discloses a "mobile radio communication packet data network with provides a radio packet data path by routing a packet router operating in associate with radio network controllers". (Kim, col. 2, lines 18-21).

Specifically, the Kim reference discloses:

In ... the [Kim reference], there is provided a method of ***providing a handoff during a mobile radio communication packet data service*** including a plurality of radio network controllers (RNCs), a plurality of packet data gateway nodes (PDGNS), and at least one mobile switching center (MSC), the handoff providing method comprising the steps of: instructing a handoff to the PDGN utilizing a network identification address of a previous RNC ***if a certain mobile station moves into a region of a new RNC in a state that a point-to-point protocol (PPP) link set between the mobile station and the PDGN is in an active state; the new RNC informing to the PDGN a network identification address of the new RNC and the terminal node identifier; and transmitting the packet data utilizing the packet router between the new RNC and the PDGN.*** (Kim, col. 3, lines 8-22; emphasis added).

First, referring to FIG. 6a, ***if the PPP link set between the mobile station and the PDGN is in the active state, i.e., if a certain mobile station moves into the region of a new RNC and a handoff is generated*** (S42) in a state that the upper layer data is transmitted using the packet router (S41), the previous RNC instructs the MSC/LR a handoff utilizing the network identification addresses IMSI and MIMSI of the previous RNC (S43). Then, the mobile switching center MSC/LR instructs the PDGN a handoff utilizing IMSI and a network node identifier (NNID) (S44). The PDGN inquiry for performing the handoff utilizing TNID to the new RNC (S45). The new RNC informs the PDGN of the network identification address IMSI of the new RNC and the terminal node identifier TNID (S46). Accordingly, the upper layer packet data is transmitted using the packet router between the new RNC and the PDGN (S47). (Kim, col. 6, lines 4-19; emphasis added).

The Kim reference's disclosure of "***if a certain mobile station moves into a region of a new RNC ... the new RNC informing to the PDGN a network identification address of the new RNC and the terminal node identifier; and transmitting the packet data utilizing the packet router between the new RNC and the PDGN***" cannot anticipate, under 35 U.S.C. §102, Applicant's claimed invention including the element of "***maintaining existing synchronization of the PPP link with the existing network server if the new base station is associated with the existing network server***". The Kim reference's disclosure of handing off a PPP link, as best as

can be interpreted from the sparse disclosure in the Kim reference, apparently results in the resynchronization or the reestablishment of the PPP link in all handoff scenarios.

Therefore, since at least Applicant's claimed invention including the element of *"maintaining existing synchronization of the PPP link with the existing network server if the new base station is associated with the existing network server"* is not disclosed in "as complete detail as is contained in the claim" as is required for anticipation under 35 U.S.C. §102, the Kim reference cannot anticipate under 35 U.S.C. §102 Applicant's invention as presently claimed in amended independent claim 1 and claims 3 and 9 depending therefrom, amended independent claim 12 and claim 14 depending therefrom, and amended independent claims 16, 17, and 18

Accordingly, such claims are allowable over the cited prior art and Applicant respectfully requests that such rejections be withdrawn.

### **Claim Rejections under 35 U.S.C. § 103**

Obviousness Rejection Based on U.S. Patent No. 6,519,235 to Kim et al.

Claims 19, 21, 23 and 25 are rejected as being unpatentable over Kim (U.S. Patent No. 6,519,235) (hereinafter "the Kim reference"). This rejection is respectfully traversed. Applicant respectfully traverses this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

The 35 U.S.C. § 103(a) obviousness rejections of amended independent claim 19 and claim 21 depending therefrom and amended independent claim 23 and claim 25 depending therefrom are improper because the elements for a *prima facie* case of obviousness are not met. Specifically, the rejection fails to meet the criterion that the prior art reference must teach or suggest all the claims limitations.

### **Claims 19, 21, 23, 25**

Regarding independent claim 19 and claim 21 depending therefrom and independent claim 23 and claim 25 depending therefrom, Applicant has amended independent claims 19 and 23 to include claim limitations not taught or suggested in the cited references.

Applicant's independent claims 19 and 23, as presently amended, recite in part "the processor being further adapted to determine whether the new base station is associated with a new network server and *maintain existing synchronization of a PPP link with the existing network server if the new base station is associated with the existing network server*". Applicant respectfully asserts that the Kim reference does not teach or suggest Applicant's invention as presently claimed in amended independent claims 19 and 23.

Applicant herein sustains the above-proffered arguments regarding the lack of teaching or suggestion in the Kim reference for Applicant's claim element of "the processor being further adapted to ... *maintain existing synchronization of a PPP link with the existing network server if the new base station is associated with the existing network server*".

Therefore, since the Kim reference does not teach or suggest Applicant's claimed invention including "the processor being further adapted to ... *maintain existing synchronization of a PPP link with the existing network server if the new base station is associated with the existing network server*", the Kim reference cannot render obvious, under 35 U.S.C. §103, Applicant's invention as presently claimed in amended independent claim 19 and claim 21 depending therefrom and amended independent claim 23 and claim 25 depending therefrom. Accordingly, Applicant respectfully requests the rejection of these claims be withdrawn.

Obviousness Rejection Based on U.S. Patent No. 6,519,235 to Kim et al. in view of U.S. Patent No. 6,757,270 to Kumar et al.

Claims 4, 11, 15, 22 and 26 are rejected as being unpatentable over Kim (U.S. Patent No. 6,519,235) (hereinafter "the Kim reference") in view of U.S. Patent No. 6,757,270 to Kumar (hereinafter "the Kumar reference"). This rejection is respectfully traversed. Applicant respectfully traverses this rejection, as hereinafter set forth.

The nonobviousness of independent claim 1 precludes a rejection of claims 4 and 11 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see

also MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to independent claim 1 and claims 4 and 11 which depend therefrom.

The nonobviousness of independent claim 12 precludes a rejection of claim 15 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to independent claim 12 and claim 15 which depends therefrom.

The nonobviousness of independent claim 19 precludes a rejection of claim 22 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to independent claim 19 and claim 22 which depends therefrom.

The nonobviousness of independent claim 23 precludes a rejection of claim 26 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to independent claim 23 and claim 26 which depends therefrom.

Obviousness Rejection Based on U.S. Patent No. 6,519,235 to Kim et al. in view of U.S. Patent No. 5,920,545 to Rasanen et al.

Claims 2, 13, 20 and 24 are rejected as being unpatentable over Kim (U.S. Patent No. 6,519,235) (hereinafter “the Kim reference”) in view of U.S. Patent No. 5,920,545 to Rasanen (hereinafter “the Rasanen reference”). This rejection is respectfully traversed. Applicant respectfully traverses this rejection, as hereinafter set forth.

The nonobviousness of independent claim 1 precludes a rejection of claim 2 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to independent claim 1 and claim 2 which depends therefrom.

The nonobviousness of independent claim 12 precludes a rejection of claim 13 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also

MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to independent claim 12 and claim 13 which depends therefrom.

The nonobviousness of independent claim 19 precludes a rejection of claim 20 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to independent claim 19 and claim 20 which depends therefrom.

The nonobviousness of independent claim 23 precludes a rejection of claim 24 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to independent claim 23 and claim 24 which depends therefrom.

Obviousness Rejection Based on U.S. Patent No. 6,519,235 to Kim et al. in view of U.S. Patent No. 6,487,218 to Ludwig et al.

Claims 5-7 are rejected as being unpatentable over Kim (U.S. Patent No. 6,519,235) (hereinafter “the Kim reference”) in view of U.S. Patent No. 6,487,218 to Ludwig (hereinafter “the Ludwig reference”). This rejection is respectfully traversed. Applicant respectfully traverses this rejection, as hereinafter set forth.

The nonobviousness of independent claim 1 precludes a rejection of claims 5-7 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to independent claim 1 and claims 5-7 which depend therefrom.

Obviousness Rejection Based on U.S. Patent No. 6,519,235 to Kim et al. in view of U.S. Patent No. 6,385,451 to Kalliokulju et al.

Claim 8 is rejected as being unpatentable over Kim (U.S. Patent No. 6,519,235) (hereinafter “the Kim reference”) in view of U.S. Patent No. 6,385,451 to Kalliokulju (hereinafter “the Kalliokulju reference”). This rejection is respectfully traversed. Applicant respectfully traverses this rejection, as hereinafter set forth.

The nonobviousness of independent claim 1 precludes a rejection of claim 8 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to independent claim 1 and claim 8 which depends therefrom.

Obviousness Rejection Based on U.S. Patent No. 6,519,235 to Kim et al. in view of U.S. Patent No. 6,728,536 to Basiller et al.

Claim 10 is rejected as being unpatentable over Kim (U.S. Patent No. 6,519,235) (hereinafter “the Kim reference”) in view of U.S. Patent No. 6,728,536 to Basiller (hereinafter “the Basiller reference”). This rejection is respectfully traversed. Applicant respectfully traverses this rejection, as hereinafter set forth.

The nonobviousness of independent claim 1 precludes a rejection of claim 10 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to independent claim 1 and claim 10 which depends therefrom.

**CONCLUSION**

Claims 1-26 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated May 7, 2007

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